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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,084	01/04/2002	David Betz	19223-001610	2418
22434	7590	07/31/2006	EXAMINER	
BEYER WEAVER & THOMAS, LLP			ZHAO, DAQUAN	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2633	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/041,084

Applicant(s)

BETZ ET AL.

Examiner

Daquan Zhao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/28/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/16/05, 11/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: claim 10 recites: "...titles are selected form...". It is believed the applicant intends to say "from" instead of "form". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites: "the video segments are not physically reproduced on the storage medium". The process of video reproduction can not be performed "on the storage medium". The video data is read out from the storage medium. The examiner is treating the claim as the video segments are not physically reproduced from the storage medium.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9, 15, 16, 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bohrman (US 5,109,482).

For claims 1-4, 6, 8 and 9, Bohrman teaches a method for compiling video segments from a digital video into a video montage, the method comprising:

- Identifying a plurality of video segments from the digital video (e.g. column 3, lines 3-31);
- Ordering the video segments to define the video montage, wherein the ordering comprises providing a marker for each of the video segments (e.g. column 3, lines 32-46); and
- Storing the marker for each of the video segments on a storage medium (e.g. column 2, lines 57-60).
- Marker further comprises a start point, a duration, and an end point (e.g. column 2, lines 43-52).
- Ordering the video segments includes providing the video segments in an order different from how they appear on the digital video (e.g. column 3, lines 37-46).

- The digital video is stored on a digital video disc (DVD), and the storage medium is separate from the DVD (e.g. figure 1, and column 4, lines 46-65, videodisc 14, and column 11, line 7-12, disc associated with the computer 10).
- The digital video comprises a plurality of titles (e.g. figure 7, titles: "ABC News Interactive" and "Larnaca").

For claim 15, Bohrman teaches a system for creating a compilation of video clips from a digital video disc (DVD), the system comprising:

- A DVD reference player having a communication port (e.g. figure 1, Laser DISC player 12);
- A computer coupled to the communication port (e.g. figure 1, computer 10);
- A DVD emulator coupled to the DVD reference player for storing a work in progress and for imitating a DVD (e.g. figure 1, computer 10, column 11, lines 7-12. The instant application defines the emulator in page 5, line 15-17 of the specification, as a storage device such as a hard drive, and is used to emulate the operation of a DVD and for storing any work-in-progress.); and
- A display coupled to the DVD reference player (e.g. figure 1, TV MONITER 16).

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For claims 16, 19, 20-23, Bohrman teaches a method of presenting a video montage to a viewer, said video montage comprising a plurality of video segments from one or more digital video titles, the method comprising:

- Selecting a video montage to be displayed to the viewer, wherein the video montage comprises a first marker associated with a first video segment and a second marker associated with a second video segment (e.g. figure 9a, step 200, column 10, lines 7-48, figure 9b, step 220, column 10, lines 49-60);
- Using the first marker, retrieving the first video segment from a digital video disc (DVD) (e.g. figure 1, videodisc 14 and laser disc player 12, column 4, line 55);
- Displaying the first video segment (e.g. figure 9a, step 200);
- Using the second marker, retrieving the second video segment from the DVD; displaying the second video segment (e.g. figure 9b, step 220);
- The second video segment is displayed followed by the first video segment (e.g. figure 9a, and 9b, step 220 comes after step 200);
- Displaying a still image associated with the first video segment (e.g. figure 4 and figure 9a, button 92, "stills", column 10, lines 7-11);
- Displaying a still image associated with the second video segment; and selecting the still image associated with the first video segment to cause the first video segment to display and selecting the still image associated

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- with the second video segment to cause the second video segment to display. (e.g. column 10, lines 23-48, and column 11, lines 30-34)
- Displaying a textual description of the first video segment coincident with displaying the first video segment (e.g. column 11, line 15-23).
- The first and second video segments are topically related (e.g. figure 7, 142, "00:05 Larnaca" and "00:11 Larnaca").

Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (5,930,446).

For claim 11, Kanda discloses a composer for creating a video montage, said video montage comprising a single video clip having one or more video segments from a digital video, said composer comprising:

- A user interface for entering information about the video montage (e.g. figure 3, 27c, column 9, lines 13-20);
- A graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage (e.g. figure 3, 27b, 27e, column 8, line 59-column 9, line 59);
- A clip chart listing the one or more video segments, wherein the clip chart shows the one or more video segments in replay order (e.g. figure 3, 29, 30, column 10, line 35- column 11 line 17); and
- A video clip setting area, wherein the video clip setting area has a user interface for entering at least the start time of each of the one or more

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video segments (e.g. figure 3, 27b, 27e, column 8, line 59-column 9, line 59).

For claim 12, Kanda teaches the video clip setting area comprises a name and description of each of the one or more video segments (e.g. column 10, lines 62-67).

For claim 13, Kanda teaches the video clip setting area comprises a still shot of an image associated with each of the one or more video segments (e.g. column 7, line 65 – column 8 line 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohrman (US 5,109,482) as applied to claims 1-4, 8, 9, 15, 16, 19-23 above.

Claim 7 recites: the digital storage medium is a digital video disc (DVD), and wherein the marker and the digital video are store on the same DVD. Bohrman teaches the digital storage medium is a digital video disc (DVD), and wherein the marker and the digital video are store on a disc associated with the computer (e.g. figure 1, video disc 14 and column 4, lines 49-59 column 10 line 49 – column 11 lines 12, and column 4).



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However, Bohrman fails to disclose the marker and the digital video are stored on the same DVD. It would have been obvious for one ordinary skill in the art at the time the invention was made to modify the teaching of Bohrman and store both the video and the marker in the same DVD to efficiently use memory space in the computer storage medium.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohrman (US 5,109,482) as applied to claims 1-4, 8, 9, 15, 16, 19-23 above, and further in view of Okada et al (US 5,905,845).

Claim 10 recites: the plurality of titles are selected from a group consisting a main title, a director's cut, a deleted scene, and an alternate view. Bohrman teaches the plurality of titles (e.g. figure 7, titles: "ABC News Interactive" and "Larnaca"). However, Bohrman fails to disclose the plurality of titles are selected from a group consisting a main title, a director's cut, a deleted scene, and an alternate view. Okada et al teaches the plurality of titles are selected from a group consisting a main title, a director's cut, a deleted scene, and an alternate view (e.g. column 57, lines 21-27). It would have been obvious for one ordinary skill in the art at the time the invention was made to modify the teaching of Bohrman with the teaching of Okada et al to record plural different titles to a single optical disk without reducing the bit rate, and thereby without loss of image quality (Okada et al, column 57, lines 28-38).

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohrman (US 5,109,482) as applied to claims 1-4, 8, 9, 15, 16, 19-23 above, and further in view of Adams et al (US 6,108,042).

Claim 5 is drawn to the video segments are not physically reproduced from the storage medium. Bohrman fails to teach the video segments are not physically reproduced from the storage medium. Adams et al teaches the video segments are not physically reproduced from the storage medium (e.g. column 4, lines 37-60). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Adams et al into the teaching of Bohrman to provide an interactive video system controlled by an associated data stream corresponding to a video data stream (Adams et al, column 2, lines 37-39).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda (5,930,446) as applied to claims 1-4, 8, 9, 15, 16, 19-23 above, and further in view of Bohrman (US 5,109,482).

Claim 14 recites: the video clip setting area further comprises a user interface for selecting a video title from a digital video disc (DVD), the video title comprising the one or more video segments. Kanda fail to teach none of the above. Bohrman teaches the video clip setting area further comprises a user interface for selecting a video title from a digital video disc (DVD), the video title comprising the one or more video segments (e.g. column 5, lines 25-34). It would have been obvious for one ordinary skill in the art at the

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time the invention was made to incorporate the teaching of Bohrman into the teaching of Kanda to enable a user to simply and efficiently select and play back user specified segments of the information prerecorded on the videodisc (Bohrman, column 2, lines 14-26).

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohrman (US 5,109,482) as applied to claims 1-4, 8, 9, 15, 16, 19-23 above, and further in view of Tyler et al (US 5,239, 418).

Claims 17 and 18 are drawn to the first and second video segments are displayed simultaneously, and the first video segment is a first view of a scene and the second video segment is a second view of the same scene. Bohrman fails to teach the first and second video segments are displayed simultaneously, and the first video segment is a first view of a scene and the second video segment is a second view of the same scene. Tyler et al teaches the first and second video segments are displayed simultaneously, and the first video segment is a first view of a scene and the second video segment is a second view of the same scene (e.g. column 6, lines 41-51). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Tyler et al into the teaching of Bohrman to record scene information at a high frame rate and plays back such information at a slower frame rate, thereby allowing slow motion analysis of a moving object (Tyler et al, column 2, lines 30-47).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571) 272-0898. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DZ

Daquan Zhao

  
Shanon Foley  
Supervisory Patent Examiner